

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants: Mark R. Moore

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Serial No.:

Group Art Unit:

Filed: Herewith

Examiner

For: GUARD AND DOLLY FOR LINE
TRIMMING APPARATUS

Attorney Docket No.: 59428.0114

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

Applicant submits the following list of references under 37 C.F.R. §§ 1.56 and 1.97. Copies of the references cited in the attached PTO-1449 are found in the parent application of this case, serial numbers 09/347,476.

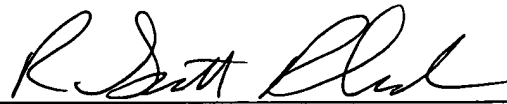
No fee is required because, under 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being filed (1) within three months of this application's filing date, (2) within three months of entry into the national phase under 37 C.F.R. § 1.491 of an international application, or (3) before the mailing date of the first office action on the merits.

If, however, unknown to Applicant, an office action on the merits has been mailed prior to the mailing date of this Information Disclosure Statement, Applicant hereby conditionally authorize the \$240 fee required under 37 C.F.R. §§ 1.97(c) and 1.17(p) to be charged to Deposit Account No. 19-4547. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any additional filing fees or surcharges or credit any overpayment to Deposit Account No. 19-4547. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: February 5, 2002



R. Scott Rhoades
Registration No. 44,300

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark R. Moore

Serial No.: 09 / 347,476

Group Art Unit: 3671

Filed: July 2, 1999

Examiner:

For: Guard & Dolly For Line
Trimming Apparatus(if applicable)
Batch No.Commissioner of Patents and Trademarks
Washington, D.C. 20231

JC978 U.S. PTO

10/068051



02/05/02

INFORMATION DISCLOSURE STATEMENT

(first page for use during pendency of application)

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections and number
pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Identification Of Time Of Filing
3. ☐ Request For Consideration Of Information Disclosure Statement Submitted After Allowance
4. ☒ Statements With Respect To Listing Of Information
5. ☐ Statements With Respect To Translations Of Non-English Information
6. ☒ Statements With Respect To Copies Of Listed Information Items Accompanying This Statement
7. ☐ Statement Of Non-Possession Of Documents
8. ☒ Concise Explanation Of Listed Information Items

This statement concludes with section 9, PTO-1449 and section 10, Identification of Person(s) Making This Information Disclosure Statement.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this Information Disclosure Statement (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

John M. Harrison

(Type or print name of person mailing paper)

Date: Sept 10 1999

(Signature of person mailing paper)

1. Preliminary statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56 it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(b) the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

NOTE: THE FOLLOWING REQUIREMENTS MUST BE MET TO ASSURE THAT ALL ITEMS LISTED ON THE INFORMATION STATEMENT ARE CONSIDERED: If the Information Disclosure Statement is submitted before the claims have been indicated as allowable and includes (1) a listing of patents, publications or other information, (2) a concise explanation of the relevance of each listed item and (3) a copy of each listed item or the relevant portion of the listed patents, publications or other information (along with a translation of pertinent portions of foreign language items, if available) then it must be considered by the Examiner. The Examiner may consider a citation for any reason, whether or not the citation is in full conformance with this procedure. MPEP § 609.

(Text continued on page 6-13)

2. Identification Of Time Of Filing**This Information Disclosure Statement**

(check and complete (a), (b), (c), (d) or (e))

- (a) ☒ accompanies the new patent application submitted herewith. 37 CFR 1.97(a)

NOTE: If this item is checked then use FRONT PAGE with Express Mail Certificate of Mailing corresponding to type of mailing for a new case.

- (b) ☐ is filed within three months after the filing date of the application or two months after receiving the filing receipt, whichever is later. 37 CFR 1.97(a)

NOTE: Applicants are "encouraged" to file within this time period if the statement is not filed with the application. 37 CFR 1.97(a).

- (c) ☒ this Information Disclosure Statement is being submitted as the information was brought to attention.

- (d) ☐ is being submitted after notice of allowance and a Request For Consideration Of Information Disclosure Statement Submitted After Allowance (Section 3) is included.

NOTE: Any amendment after the mailing of the notice of allowance may not be made as a matter of right and must be accompanied by a petition fee if made after the issue fee is paid. 37 CFR 1.312.

- (e) ☐ is a supplemental Information Disclosure Statement under 37 CFR 1.99

☐ a previous Information Disclosure Statement was filed on _____

NOTE: Updating of the Information Disclosure Statement should be submitted to the PTO with reasonable promptness and shall be accompanied by explanations of relevance and by copies of art in accordance with the requirements of the Information Disclosure Statement itself. 37 CFR 1.99. The transmittal should include a statement explaining why the information was not earlier transmitted (and this can be done in the space below). If the transmittal is after allowance it shall include such an explanation (this is provided for in Request for Consideration of Information Disclosure Statement Submitted After Allowance). MPEP § 609.

☐ this supplemental Information Disclosure Statement is being submitted as the information was brought to attention

- (f) ☐ The art was encountered in the course of the prosecution of the corresponding foreign application(s) in _____

(name(s) of country(ies) and serial number(s))

4. Statements With Respect To Listing Of Information

A list of the patent(s) and/or publication(s) is set forth on the attached (Section 9) _____ page(s) of Form PTO-1449 (Modified).

NOTE: In completing PTO-1449 (Modified) it should be kept in mind that 37 CFR 1.98(a) requires that "All United States patents listed should be identified by their patent numbers, patent dates and names of the patentees. Each foreign published application or patent should be cited by identifying the country or office which issued it, the document number and publication date indicated on the document. Each printed publication should be identified by author (if any), title of the publication, pages, date and place of publication."

The Notice of August 5, 1985 (1057 O.G. 41) States: "Among the information that should be provided on Form PTO-1449 is the date of the citation. In addition, it is helpful if the class and subclass of each citation is provided. It is appreciated that classification information may not be known at the time Form PTO-1449 is prepared. When classification information is not known, draw a line in the boxes under the class and subclass heading adjacent to the citation for which classification information is not known."

NOTE: "The reference designations "AA", "AB", etc. (referring to Applicants' reference A, Applicants' reference B, etc.) will be used by the Examiner in the same manner as the Examiner's reference designations "A", "B", "C", etc. on Office Action Form PTO-1142." Notice of August 15, 1980 (998 O.G. 5).

NOTE: REPRESENTATIVE ITEMS: "When two or more patents or publications considered material are substantially identical, a copy of the representative one may be included in the statement and others merely listed." 37 CFR 1.98(b).

WARNING: The Notice of December 23, 1982 (1027 TMOG 7-62) points out. "The final rule states clearly that the publication date indicated on the document should be submitted. This will not serve to preclude a showing of a different, actual publication date. Another purpose of the citation requirement in this section is to permit ready reference to the document from its citation."

The Notice of August 5, 1985 (1057 O.G. 41) states: "Note that the listing citations on Form PTO-1449 does not raise an irrebuttable presumption that the citation is prior art. A holding by an examiner that any citation on Form PTO-1449 is prior art to claimed subject matter can be rebutted by procedures commonly used to rebut the prior art status of an examiner's citations on Form PTO-892, "Notice of References Cited". "

(complete (a) or (b) if applicable)

(a) ☐ _____ is believed to be representative of the following patents or publications:

(b) ☐ _____ in the English language is believed to be the equivalent of the following non-English patents or publications:

6. Statements With Respect To Copies of Listed Information Items Accompanying This Statement

NOTE: 37 CFR 1.98(a) requires that the Information Disclosure Statement shall be accompanied by a copy of each listed patent or publication or other item of information in written form or of at least the portions thereof considered by the person filling the disclosure statement to be pertinent.

37 CFR 1.56(b) states: "Disclosures . . . must be accompanied by a copy of each foreign patent document, non-patent publication, or other non-patent item of information in written form which is being disclosed or by a statement that the copy is not in the possession of the person making the disclosure. . . ."

"The portion of a document required to be submitted under § 1.56(b) is the portion which is material to the examination of the application under § 1.56(a)." Notice of November 30, 1983, 49 FR 5-48, January 4, 1984.

There is no assurance that art or other information not submitted with copies of listed items in accordance with the guidelines will be considered by the Examiner. MPEP § 609.

A copy of

☒ each

☐ none

☐ only those listed below

of the items on PTO-1449 (Modified) is supplied herewith:

(Indicate if only a portion of a listed item is being supplied)

NOTE: If each listed item is not supplied herewith, complete Section 7, Statement of Non-Possession of Documents, to ensure that information disclosure is considered and/or to avoid an Office action.

(Information Disclosure Statement—Section 6 Statement With Respect To Copies Of Listed Information Items Accompanying This Statement [6-1]—page 5 of 11)

8. Concise Explanation of Listed Information Items

NOTE: 37 CFR 1.98(a) requires that the Information Disclosure Statement shall include a "concise explanation" of the relevance of each listed item.

This "concise explanation" may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention. It might be a simple statement pointing to similarities between the listed item and the claimed invention. It is permissible but not necessary to discuss differences between the listed item and the claims. It is thought that the explanation of relevance will be useful to the examiner and should not be significantly burdensome for the applicant to prepare. A statement to the effect that an item is listed because it was cited during the prosecution of a counterpart foreign application and is not considered material to the examination of the U.S. application, is to be considered as satisfying the concise explanation requirement of 37 CFR 1.98(a). MPEP § 609.

There is no assurance that art or other information not submitted with a concise explanation of listed items in accordance with the guidelines will be considered by the Examiner. MPEP § 609.

A concise explanation of the items listed on PTO-1449 (Modified) is:

- ☐ not given
☐ given for only some listed item(s)
☒ given for each listed item

PTO-1449 (Modified)

CONCISE EXPLANATION**REFERENCE DESIGNATION**

U.S. Patent No. 3,587,749

An electric power saw having a saw blade attached to and carried by a wheeled carrier. The shield on the power saw is attached to a base plate of the carrier and the shoe and cutter blade are adjustable relative to each other to adjust the blade cutting height. A pivotally-mounted handle carries a switch for stopping and starting the saw electric motor. The carrier base plate is supported on three wheels for ease of turning and maneuvering.

U.S. Patent No. 4,312,178

A balanced, self-propelled lawn edger includes an edging cutter blade positioned near the inner side and rearwardly of the larger of two traction wheels of unequal diameters on a common drive axle. A smaller traction wheel can be axially adjusted relative to the larger wheel to regulate the angle of cut adjacent to a side wall or curbing.

U.S. Patent No. 4,446,680

A cordless lawn edger includes a frame supported on at least three wheels and carries batteries. A pivotally-mounted sub-assembly having a drive motor is also included on the frame and a rigid edger blade is mounted on the drive motor output shaft and on a blade guard. A blade-positioning lever is pivotally attached to the main guide handle for vertical positioning of the blade.

ADDED PAGE

CONCISE EXPLANATION

PTO-1449

REFERENCE DESIGNATION

U.S. Patent No. 4,224,784

An attachment for a line trimmer which includes a collar with support legs attached thereto and wheels attached to the support legs. A U-shaped brace is attached between the support legs, holding them at an angle to each other. The collar is placed loosely around the handle of an existing line trimmer and the line trimmer is inverted in order to make its face perpendicular to the ground. The legs are inserted into the collar and the collar is then secured to the handle with the head of the line trimmer between the ends of the U-shaped brace.

U.S. Patent No. 4,463,544

An edger having a frame, a handle for pushing the frame and a motor rotatably mounted on the frame for adjusting the motor and the cutting blade at a selected angle with respect to the horizontal.

U.S. Patent No. 4,442,659

A trimmer is pivotally connected to a dolly having a handle, such that the pivotal connection forward of the dolly wheels and raising and lowering of the dolly handle effects lowering and raising of the trimmer and the corresponding depth of cut.

U.S. Patent No. 2,608,043

A combined mower and trimmer having a frame fitted with three wheels and a motor with the motor pivotally mounted on the frame for adjustment into both mowing and edging or trimming configuration.

U.S. Patent No. 2,721,433

A lawn edger and trimmer having a frame fitted with three wheels and a motor and cutting assembly pivotally attached to the frame for adjustment into edging and trimming configuration.

U.S. Patent No. 2,942,397

A powered grass cutting machine which may be oriented in mowing, trimming and edging configuration. The motor and wheels are attached to the frame in such a manner that the motor can be positioned in all three configurations.

U.S. Patent No. 4,182,100

A lawn mower and edger carriage which is characterized by a frame fitted with three wheels and an upward-standing post and guide handle bars for receiving a conventional edging apparatus and using the edging apparatus as a lawn mower and edger combination.

**ADDED PAGE
CONCISE EXPLANATION****P10-1449****REFERENCE DESIGNATION**

U.S. Patent No. 4,587,800

A trimming and edging device for grass and the like fitted with a motor mounted on a housing in two positions, such that the device may operate as a lawn mower and an edger.

U.S. Patent No. 4,796,415

A dolly for receiving a line trimming apparatus and maintaining the rotating spool in a selected orientation with respect to the ground in order to mow, trim and edge grass. A universal dolly includes a split frame provided with removable front and rear legs and removable side legs for receiving wheels and supporting the dolly in rolling configuration on a lawn drive with a sidewalk. In a second embodiment the plastic dolly further includes a split frame with removable, front, rear and side legs to facilitate an optional configuration for operation of the line trimmer in mowing, trimming and edging configuration. In another embodiment of the invention a dolly base of selected configuration includes two or three wheels and is designed to mount on a line trimmer for edging and lawn mowing purposes.

U.S. Patent No. 4,922,694

A light-weight, two-wheel support for a line trimmer that allows a trimmer to be used as a wheeled lawn mower and a wheeled edger and is adjustable for all line trimmers.

U.S. Patent No. 5,309,701

A conventional four wheel lawn mower carriage includes a vertically-mounted electric motor with flexible cutting lines attached to the bottom end of the motor axial drive shaft. A hand lever is attached to the electric motor, thus enabling the electric motor to rotate from a vertical position to a transverse, horizontal position such that the flexible cutting line rotates in a vertical plane parallel to and outside of the carriage.

10. Identification Of Person(s) Making This INFORMATION DISCLOSURE STATEMENT

NOTE: 37 CFR 1.56(b) states: "Disclosures . . . may be made to the Office through an attorney or agent having responsibility for the preparation or prosecution of the application or through an inventor who is acting in his or her own behalf."

The person making this statement is

(check each applicable item (a) and (b))

(a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

Type name of inventor who is signing

(b) ☒ the attorney who signs below on the basis of:

(check each applicable item)

- ☒ the information supplied by the inventor(s)
 - ☒ which has been reviewed by the attorney
 - ☐ which has not been reviewed by the attorney
- ☒ the information in the attorney's file

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John M. Harrison
SIGNATURE OF ATTORNEY

John M. Harrison

Type or print name of attorney

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark R. Moore

Group Art Unit: 3671

Serial No.: 09/347,476

Examiner:

Filed: 07/02/99

For: GUARD AND DOLLY FOR LINE
TRIMMING APPARATUS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

<p>CERTIFICATE OF MAILING (37 CFR 1.8a)</p> <p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail and in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.</p> <p><u>Anne Ziegler</u> (Typed name of person mailing paper)</p> <p><u>Anne Ziegler</u> (Signature of person mailing paper)</p> <p>Date: <u>Feb. 8, 2000</u></p>
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SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT

Pursuant to the provisions of 37 C.F.R. § 1.97, Applicant hereby makes of record the references set forth in the attached modified form PTO/SB/08A. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and not in any order based on their pertinence.

It is requested that the Examiner fully consider the cited references and that they be cited on the front of any patent issuing from this application.

Copies of the cited references are attached.

An early action on the merits is respectfully requested.

Respectfully submitted,

Date: Feb. 8, 2000

Michael E. Martin
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